

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

In re ANADARKO PETROLEUM  
CORPORATION SECURITIES  
LITIGATION

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§ Civil Action No. 4:20-cv-00576  
§  
§ CLASS ACTION  
§  
The Honorable Charles R. Eskridge III

**JOINT MOTION REGARDING PRETRIAL SCHEDULE**

The Parties<sup>1</sup> hereby respectfully submit this joint motion pursuant to the Court's June 30, 2023 Order (ECF 200) directing the Parties to confer on modifications to the Amended Scheduling and Docket Control Order issued on February 16, 2023 (ECF 150) ("Scheduling Order") and jointly request that the Court revise the Scheduling Order as to the deadlines for the Joint Pretrial Order, motions *in limine*, and September 19, 2023 pretrial conference as set forth below and in the proposed amended scheduling order submitted concurrently herewith. In support thereof, the Parties state the following:

WHEREAS, the Scheduling Order ordered that the Parties submit the Joint Pretrial Order containing the pretrial disclosures required by Federal Rule of Civil Procedure 26(a)(3) by July 28, 2023 (ECF 150 at 2);

WHEREAS, the Scheduling Order ordered that the Parties file any motions *in limine* by July 28, 2023; oppose any motions *in limine* by August 15, 2023; file any replies in support of the motions *in limine* by August 22, 2023; and appear for the pretrial conference on September 19, 2023 (*id.*);

WHEREAS, on September 28, 2022, the Court granted Plaintiffs' motion for class certification (ECF 141) ("Class Certification Order");

WHEREAS, on March 31, 2023, the Court granted Plaintiffs' motion to compel documents relating to the Anadarko Audit Committee's ("AAC") investigation of Senior Reservoir Engineer Lea Frye's allegations regarding the Shenandoah oil field project and

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<sup>1</sup> The Parties refer to Class Representatives Norfolk County Council as Administering Authority of the Norfolk Pension Fund and Iron Workers Local #580 Joint Funds, on behalf of themselves and the Class (collectively, "Plaintiffs"), and defendants Anadarko Petroleum Corporation, R.A. Walker, Robert G. Gwin, Robert P. Daniels, and Ernest A. Leyendecker, III (collectively, "Defendants").

ordered the Parties to meet and confer with respect to the scope of the document production (ECF 173) (“MTC Order”);

WHEREAS, on April 18, 2023, the Court issued an Amended Scheduling and Docket Control Order (ECF 190) ordering that: (1) Plaintiffs’ opposition to Defendants’ motion for summary judgment be filed no later than 21 days after all documents encompassed by the MTC Order are produced to Plaintiffs, or a final, non-appealable order is entered confirming that Defendants do not have to produce the documents; (2) Defendants’ reply be filed within 21 days of Plaintiffs’ opposition; and (3) briefing on the motions to exclude certain expert testimony (“*Daubert* motions”) be stayed pending submission of a new briefing schedule within ten days of the events referenced in subsection (1) above;

WHEREAS, on June 30, 2023, the Court denied Defendants’ motion for reconsideration of the Court’s Class Certification Order (ECF 198), denied Defendants’ motion for reconsideration of the Court’s MTC Order (ECF 199), and ordered the Parties to meet and confer on what modifications to the Scheduling Order are now appropriate (ECF 200);

WHEREAS, Defendants intend to file with the U.S. Court of Appeals for the Fifth Circuit (“Fifth Circuit”) a petition for permission to appeal the Court’s Class Certification Order pursuant to Rule 23(f) of the Federal Rules of Civil Procedure (the “Rule 23(f) Petition”);

WHEREAS, Defendants intend to petition the Fifth Circuit for a writ of mandamus reversing the Court’s MTC Order (“Mandamus Petition”);

WHEREAS, the Parties' pretrial disclosures contained in the Joint Pretrial Order and/or motions *in limine* may be impacted by the production of documents encompassed by the Court's MTC Order and potentially by the resolution of Defendants' Mandamus Petition;

WHEREAS, on July 6 and 11, 2023, the Parties met and conferred on modifications to the Scheduling Order they deem appropriate; and

WHEREAS, good cause exists to extend the deadlines for the Joint Pretrial Order, motions *in limine*, and pretrial conference to: (i) ensure the Parties' pretrial submissions appropriately incorporate materials, if any, that are produced pursuant to the Court's MTC Order, thus avoiding prejudice to Plaintiffs; and (ii) avoid multiple rounds of pretrial disclosures and seriatim *motion in limine* briefing, which would waste party resources and unnecessarily burden the Court.

NOW, THEREFORE, subject to this Court's approval, the Parties agree that the deadlines for submission of the Joint Pretrial Order, motions *in limine*, and date of the pretrial conference should be modified as follows:

1. The Joint Pretrial Order and any motion *in limine* shall be filed no later than 90 days after the later of either: (1) all documents encompassed by the Court's MTC Order are produced to Plaintiffs; or (2) the entry of an order of the Fifth Circuit granting the Mandamus Petition and confirming that Defendants do not have to produce the documents encompassed by the MTC Order;

2. Oppositions to motions *in limine* shall be filed no later than 14 days after the motions *in limine* are filed;

3. Any replies in support of the motions *in limine* shall be filed no later than seven days after oppositions to the motions *in limine* are filed; and

4. The pretrial conference set for 1:30 p.m. on September 19, 2023, shall be vacated. The Parties respectfully request that the Court reschedule the pretrial conference upon entry of a briefing schedule for the *Daubert* motions.

DATED: July 14, 2023

KENDALL LAW GROUP, PLLC  
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s/ Joe Kendall  
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**CERTIFICATE OF SERVICE**

I hereby certify that I served the foregoing on all counsel of record who have appeared in this matter via the Court's CM/ECF system on this, the 14th day of July, 2023.

s/ Joe Kendall  
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JOE KENDALL